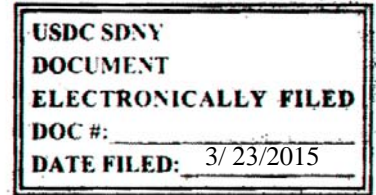


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
JODY KRISS, et al.,

Plaintiffs,

10 Civ. 3959 (LGS) (FM)

-against-

ORDER

BAYROCK GROUP, LLC, et al.,

Defendants.

-----X
LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 23, 2013, this case (*Kriss I*) was referred to Magistrate Judge Maas for general pretrial supervision and specifically to resolve the issues that formed the basis of the Bayrock Defendants objections to the public filing of the First Amended Complaint (“FAC”);

WHEREAS, as explained in Judge Maas’ Memorandum Decision and Order dated May 29, 2014 (the “May 2014 Order”), his Report and Recommendation dated January 14, 2015 (the “Report”) and the Court’s concurrently published Opinion and Order adopting the Report, Plaintiffs have failed repeatedly to comply with orders that would allow the Court to determine what parts of the FAC in *Kriss I* derive from public information and what parts, if any, derive from purloined information;

WHEREAS, the May 2014 Order directed Plaintiffs to “submit to the Court by June 12, 2014, an updated chart identifying in detail the source(s) of each contested paragraph of the FAC” in *Kriss I* (Dkt. No. 68 at 21-22) (emphasis omitted);

WHEREAS, the May 2014 Order reserved decision on any impropriety in Plaintiffs’ acquisition of documents that formed the basis for the FAC in *Kriss I* pending Plaintiffs’ compliance with the order directing them to identify specific public sources for each contested

allegation and directed Plaintiffs “not to disseminate further the contested information” (Dkt. No. 68 at 14);

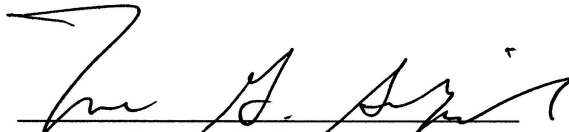
WHEREAS, on June 15, 2015, Plaintiffs filed a “Motion For Relief From Certain Aspects Of Magistrate’s Non-Dispositive Pre-Trial Orders” (the “Motion”) in which they objected on First Amendment grounds to the portion of the May 2014 Order prohibiting further dissemination of contested information in *Kriss I*; it is hereby

ORDERED that the Motion is DENIED as moot. The May 2014 Order prohibited further dissemination as a temporary measure until Plaintiffs complied with the Court’s order to identify public sources for the allegations in the FAC. (Dkt. No. 68 at 14). Now that the matter is at an end (albeit with Plaintiffs’ non-compliance with the Court’s order), the portion of the May 2014 Order preventing further dissemination WILL BE VACATED on March 30, 2015, unless any party moves for injunctive relief regarding the dissemination of such materials before that date. If such a motion is filed, the parties should jointly propose, or the Court will set, a briefing schedule.

The Clerk of Court is directed to close the motion at Dkt. No. 73.

SO ORDERED.

Dated: March 23, 2015
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE